

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

GENE COGGINS,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 3:07-cv-0402-MEF-TFM
)	
CITY OF JACKSON'S GAP, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER ON MOTION

Upon referral of this case for action on all pretrial matters and for recommendation as may be appropriate (Doc. 5), the Court considers Plaintiff's *2nd Motion to Use the Appendix System* (Doc. 15, filed July 9, 2007).

Plaintiff incorrectly invokes Rules 30 and 34(a) of Federal Rule of Appellate Procedure. These rules do not apply to cases, such as this one, pending in the district, rather than appellate court. Therefore, for good cause, it is **ORDERED** the *2nd Motion to Use the Appendix System* (Doc. 15) is **DENIED**.

Moreover, Plaintiff states there is no way that he can pay the possible fees necessary to compel a witness to attend court proceedings. The Court already advised Plaintiff that his right to proceed *in forma pauperis* does not create an absolute right to litigation without costs. *See* Doc. 12. The statute merely permits a plaintiff to *commence* a lawsuit without prepayment of fees and court costs. However, it does not permit the plaintiff to maintain the lawsuit without incurring any personal expenses. There is no statute that authorizes the

court's payment of expenses incurred in the prosecution of a civil lawsuit. Thus, Plaintiff is again advised of the possible expenses of litigation even when proceeding *in forma pauperis*.

DONE this 10th day of July, 2007.

/s/Terry F. Moorers
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE